

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CAPWEALTH ADVISORS, LLC *et*
al

Defendants.

Case No. 3:20-cv-01064

Judge Waverly D. Crenshaw
Jr./Magistrate Judge Jeffrey
S. Frensley

JURY DEMAND

MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

The defendants CapWealth Advisors, LLC (“CapWealth”), Timothy J. Pagliara, and Timothy R. Murphy, pursuant to Fed. R. Civ. P. 12(b)(6), move this Court to dismiss the Complaint for failure to state a claim. In support of this Motion, defendants have contemporaneously filed a Memorandum in Support of Motion to Dismiss.

Defendants also attach hereto the following pursuant to *Blanch v. Trans Union, LLC*, 333 F.Supp.3d 789, 791-92 (M.D. Tenn. 2018) as documents identified in the Complaint and integral to the plaintiff's claims:

1. CapWealth’s Policies and Procedures Manual
2. 12b-1 Fee revenue
3. CapWealth’s Form ADV Part 2A (December 31, 2018)

Respectfully submitted,

s/ Eugene N. Bulso Jr.
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CERTIFICATE OF SERVICE

I certify that the foregoing is being filed via the Court's ECF system, which is expected to deliver a copy by electronic means to the following on this 11th day of February 2021:

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Kristin W. Murnahan
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s/Eugene N. Bulso, Jr.
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